

SENATE CHAMBER,
AUSTIN, TEXAS, Tuesday, April 4, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bell and Bowers.

Absent—excused—Senator Baker.

Prayer by the Rev. Mr. Williams.

On motion of Senator Gaines, the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 292, entitled "An act to incorporate the Southwestern Express and Transportation Company," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred a "Petition from the citizens of Lampasas county," a "Petition from the citizens of San Saba county" and a "Memorial from the justices of the peace of Bandera county," petitioning for the passage of a bill granting to the county of Bandera the State taxes to be assessed and collected in that county for the present year for the purpose of aiding in the construction of a court house and jail, ask leave to report that as the expenditure for the protection of the frontier is now large, and many counties on the frontier are in the same condition as represented by petitioners, it is not deemed advisable to grant the

relief asked for; your committee, therefore, recommend that the consideration of the above named petitions and memorial be indefinitely postponed.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 213, entitled "An act to incorporate the Benevolent Association of Austin," after careful consideration, instruct me to report the same back and recommend its passage.

S. W. FORD,

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 171, entitled "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoros, in Brownsville, Cameron county, Texas," after careful consideration, instruct me to report the same back and recommend its passage.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 238, entitled "An act to incorporate the East Fork Plank Road Company," after careful consideration, instruct me to report the same back and recommend its passage.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 153, entitled "An act to provide for the obtaining and transcribing of the several acts or charters founding the towns of Reynosa, Camargo, Mier and Guerrero, in the Republic of Mexico, and of Laredo, in Texas, and making an appropriation for the same," after careful consideration, instruct me to report the same back and recommend its passage.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 196, entitled "An act to incorporate the officers and members of the Fort Worth Masonic Institute No. 148, A. F. and A. Masons, at Fort Worth, Tarrant county, Texas," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,
S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 42, entitled "An act to incorporate the Houston Water Works Company," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,
S. W. FORD,
Chairman.

Amendments to House bill No. 42: Amend section nine, line twenty, by striking out the word "two" and inserting the word "ten;" same, line twenty-seven, insert after the word "process" the words "be entitled."

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 209, to be entitled "An act to incorporate the Richmond Relief Dramatic Club of Richmond, Fort Bend county," after careful consideration, instruct me to report the same back and recommend its passage with accompanying amendment.

S. W. FORD,

Chairman.

Amendment to House bill No. 209: Amend by striking out all of section four.

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 121, entitled "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendment.

S. W. FORD,

Chairman.

Amendment to House bill No. 121: Section ten, last line, amend by striking out the word "hereinbefore" and inserting the word "hereinafter."

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs to whom was referred House bill No. 199, entitled "An act to incorporate the Gymnastic Association of High Hill, Fayette county, Texas," after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendment.

S. W. FORD,

Chairman.

Committee on State Affairs' amendment to House bill No. 199: Amend by striking out all of section two.

Reports read and laid over under the rules.

Report of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 287, "An act to remove the county seat

of Grimes county from Anderson to Navasota;" Senate bill No. 311, "An act to prohibit the sale of intoxicating and spirituous liquors within two miles of Live Oak Academy, in Hays county;" Senate bill No. 312, "An act to authorize the Galveston, Harrisburg and San Antonio Railway Company to unite or consolidate its railroad with connecting roads;" and Senate bill No. 261, "An act to encourage the emigration of communities of persons skilled in the arts of spinning and weaving cotton and wool, and dyeing and printing fabrics of the same, from the several cities in Alsace and Lorraine," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

The Secretary carried to the House, for concurrence, Senate bills Nos. 261, 287, 311 and 312.

Message from the House by the Chief Clerk, informing the Senate that the House had passed without amendment, substitute for Senate bill No. 13, to be entitled "An act to authorize the clerks of the district courts and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts against the plaintiff or defendant for costs created by them in any suit or suits therein."

Also, transmitting for the concurrence of the Senate, House bill No. 186, to be entitled "An act amendatory and explanatory of 'an act to regulate the disposal of public lands of the State of Texas,' approved August 12, 1870."

House bill No. 340, to be entitled, "An act to incorporate the Bosque Bridge and Manufacturing Company of McLennan county."

House bill No. 415, to be entitled "An act to incorporate the city of Marshall, and to grant a new charter to said city."

House bill No. 424, to be entitled "An act to incorporate the Quintana, Brenham and Waco Air Line Railroad Company."

House bill No. 426, to be entitled "An act to incorporate the Seago Mills Manufacturing Company of Upshur county."

House bill No. 439, to be entitled "An act to incorporate the Jefferson Ice Manufacturing Company."

House bill No. 443, to be entitled "An act to incorporate the Northern Bank of Texas."

House bill No. 67, to be entitled "An act making an appropriation for the payment of the salaries of the officers of the State Penitentiary, now unpaid, and other purposes."

Also, informing the Senate that the House has appointed as Committee on Conference on Senate bill No. 94, to be entitled "An act

to give effect to the several provisions of the Constitution concerning taxes," Messrs. Plumley, Sinclair, Zoeller, Lane and Booty, asking that a like committee on the part of the Senate be also appointed.

Senator Pickett rose to a question of privilege, and moved that the committee asked for by the House, to confer with a like committee from the House on Senate bill No. 94 be appointed, which motion was adopted.

The Chair appointed on said committee Senators Pickett, Saylor, Ford and Hertzberg.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Contingent Expenses :

COMMITTEE ROOM,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses, beg leave to return the account of Messrs. Tracy, Seimering & Co. disapproved for the following reasons: Your committee would invite attention to a resolution heretofore adopted by the Senate, authorizing the printing of only "one hundred copies of each Senate bill," etc. The account returned calls for the printing of *three hundred* copies of said bills in every instance.

Under the spirit of the resolution above referred to, your committee refuse to approve the account.

J. S. MILLS, Chairman.
R. HILLEBRAND,
MATTHEW GAINES,
J. E. DILLARD,
D. W. COLE,

On motion of Senator Gaines, the rules were suspended to consider the report.

Senator Gaines moved to refer the report to a select committee of three. Carried.

The chair appointed on said committee Senators Gaines, Douglass and Fountain.

Report of Committee on Contingent Expenses :

SENATE CHAMBER,
AUSTIN, April 3, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have had the

following accounts before them, and after having duly considered the same, recommend that they be paid :

Account of E. Raven.....	\$25 00
Account of A. Siemering & Co.....	31 50
Account of Frank Webb.....	51 10
Account of Nitschke & Bley.....	26 00
Account of G. R. Spaulding.....	147 00

Persons having claims against the Senate will call upon the Secretary and on receiving their vouchers will receipt for the same.

J. S. MILLS,
Chairman.

On motion of Senator Gaines, the report was adopted and the several accounts allowed.

BILLS AND RESOLUTIONS.

By Senator Saylor : a bill (Senate bill No. 314) to be entitled "An act incorporating the Austin Water Company." Read first time and referred to the Committee on State Affairs.

On motion of Senator Mills, Senator Bowers was granted a leave of absence for ten days.

Message from the House, by the Chief Clerk, transmitting to the Senate for signature of the President, House bill No. 194, "An act to incorporate the Huntsville Branch Railway Company."

Signed by the President and returned to the House.

Under direction of the President, the Secretary returned to the House the following House bills, the same having been passed by the Senate :

House bill No. 33, "An act to incorporate the Austin Gymnastic Association."

House bill No. 107, "An act to incorporate the Agricultural, Mechanical and Blood Stock Association, of Jasper, Texas."

House bill No. 109, "An act to incorporate the Houston Real Estate and Banking Company."

House bill No. 113, "An act to incorporate the officers and members of Weatherford Lodge No. 77, I. O. O. F."

House bill No. 116, "An act to incorporate the Indianola Hook and Ladder Company No. 1, of the city of Indianola."

House bill No. 119, "An act to incorporate the Hebrew Benevolent Association of Bryan, Texas."

House bill No. 137, "An act to incorporate the town of Palestine, in the county of Anderson."

House bill No. 237, "An act to incorporate the Collin county, Texas, Agricultural, Horticultural and Mechanical Association."

House bill No. 389, "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company."

Also, with amendments :

House bill No. 6, "An act to incorporate the town of Fairfield, in Freestone county."

House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company."

House bill No. 134, "An act to amend 'an act to incorporate the town of Clarksville, Red River county,' approved January 31, 1852."

House bill No. 214, "An act to incorporate the Washington County Banking and Insurance Company."

BILLS AND RESOLUTIONS.

By Senator Tendick : a bill (Senate bill No. 315) to be entitled "An act to repeal sections thirty-seven, thirty-eight and thirty-nine of an act of the Twelfth Legislature entitled 'an act to organize the courts of justices of the peace, and to define their jurisdiction and duties, and to provide for the election of county attorneys, and to define their duties and powers.'" Read first time and referred to the Judiciary Committee.

By Senator Hall : a bill (Senate bill No. 316) to be entitled "An act authorizing the judges of the district courts to remove justices of the peace for cause." Read first time, and referred to the Committee on Judiciary.

Senator Pyle offered the following resolution, which was adopted :

Resolved, That Senator E. T. Broughton, Senator from Twenty-second District, be granted an indefinite leave of absence from the 10th instant, and that he be allowed to pair off on all political questions with Senator Tendick.

Senator Pyle offered the following resolution :

Resolved, That the Committee on State Affairs be and they are hereby instructed to prepare and report a bill providing for an early Congressional election.

Senator Ruby moved to amend by striking out "State Affairs" and inserting "Federal Relations." Amendment adopted.

The question being upon the adoption of the resolution, the yeas and nays were called for and resolution lost by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Parsons, Pettit, Pickett, Pyle, Shannon—13.

Nays—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pridgen, Rawson, Ruby, Saylor, Tendick—13.

Senator Pridgen moved to reconsider the vote of yesterday by which the Senate passed House bill No. 15, "An act to incorporate the Casino Society of Yorktown." Motion to reconsider carried.

On motion of Senator Pridgen, the vote adopting the following amendment to Senate bill No. 15 was reconsidered: Amend by striking out "section two."

And on further motion, the amendment was rejected and House bill No. 15 passed and was returned to the House.

Senator Hall moved to suspend the rules to consider House bill No. 67, "An act making an appropriation for the payment of the salaries of the officers of the State penitentiary now unpaid, and other purposes."

Yeas and nays called for and motion carried by the following vote:

Yeas—Mr. President, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Tendick—18.

Nays—Cole, Dillard, Dohoney, Douglass, Evans, Pyle, Shannon—7.

House bill No. 67, read first time.

Senator Pickett moved to refer House bill No. 67 to the Committee on Penitentiary.

Yeas and nays called for and motion lost by the following vote:

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Latimer, Pickett, Shannon—9.

Nays—Mr. President, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Rawson, Ruby, Saylor, Tendick—15.

Senator Douglass offered the following resolution:

Resolved, That it is the opinion of the Senate that the tenure of office of Senators who occupy seats for the two years term expires before the time designated for a general election under the election law, approved August 15, 1870, and that the Committee on State Affairs be instructed to report a bill amending said law, so as to authorize an election prior to the expiration of such tenure of office."

Senator Parsons moved to lay the resolution upon the table.

Yeas and nays called for and motion to lay on the table lost by the following vote:

Yeas—Mr. President, Ford, Fountain, Gaines, Hertzberg, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—11.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Hall, Hillebrand, Latimer, Mills, Pickett, Pyle, Shannon, Tendick—15.

Senator Hall moved to refer the resolution to the Committee on Judiciary. Carried.

Under direction of the President, the Secretary carried to the House for signature of the Speaker enrolled Senate joint resolution No. 7, "instructing our Senators and requesting our Representatives in Congress to urge the opening of the Indian country north of Texas to settlement."

Also, enrolled Senate bill No. 280, an act to be entitled "An act amendatory of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870,' approved March 4, 1871." Signed by the Speaker, returned to the Senate and signed by the President.

On motion of Senator Saylor the rules were suspended, to take from file Senate bill No. 276, "An act to provide for the establishment of the Agricultural and Mechanical College of Texas." Read third time and passed by the following vote:

Yeas—Mr. President, Broughton, Cole, Dillard, Dohoney, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pridgen, Pyle, Ruby, Saylor, Shannon, Tendick—21.

Nays—Douglass, Latimer, Pettit, Rawson—4.

Message from the House by the Chief Clerk informing the Senate that in conformity with concurrent resolution No. 1, entitled "Concurrent resolution authorizing the appointing of a joint committee by the Speaker of the House and the President of the Senate to report a general incorporation law," the Speaker has appointed on the part of the House Messrs. Sinclair, Grothaus, McLean and Jenkins.

Senator Ruby moved to suspend the rules and that a committee of three be appointed to confer with a like committee from the House and report a general incorporation law. Carried.

The chair appointed on said committee Senators Ruby, Pickett and Fountain.

By leave, Senator Parsons introduced a bill (Senate bill No. 317) to be entitled "An act to provide for the reimbursement of seventy-five thousand dollars to the public school fund from the State Treasury." Read first time.

Senator Parsons moved to suspend the rules to place the bill on its second reading, upon which the yeas and nays were called for and motion lost by the following vote:

Yeas—Mr. President, Dillard, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Pyle, Ruby, Saylor, Tendick—16.

Nays—Cole, Dohoney, Douglass, Evans, Flanagan, Rawson, Shannon—7.

On motion, Senate bill No. 317 was referred to the Judiciary Committee.

UNFINISHED BUSINESS,

House bill No. 37, "An act to amend an act entitled 'an act to establish a State police and provide for the regulation of the same,' approved July 1, 1870." Read third time.

Senator Parsons presented the following communication from the Adjutant General:

ADJUTANT GENERAL'S OFFICE, }
 (State of Texas), }
 AUSTIN, April 4, 1871. }

General W. H. Parsons, Senate of Texas, Austin, Texas:

SIR: In reply to your verbal request, I have the honor to state that your assertions before the honorable Senate of Texas, on Saturday, April 1, 1871, can be fully substantiated by the records of this office.

There are organized bands of outlaws not only in the county of Travis, but in many other counties in this State. In the vicinity of Webberville there exists an organization, headed by known desperadoes, who have stolen horses, fired into houses, murdered unoffending citizens, and been guilty of almost every other known violation of law. These men have stopping places at the houses of some of the "respectable" citizens in or near Webberville, and their whereabouts is well known to most of the inhabitants. On account of the sympathy of these parties, up to the present time, it has been found impossible to secure their arrest by the State police. Every effort has been made to secure them, but the presence of the police in the vicinity is immediately made known to them by the citizens, and they are thus placed on the alert.

In Williamson county, a nearly similar state of affairs exist, as reported by the sheriff of that county, upon whose request for assistance a posse of police was dispatched to Georgetown on yesterday.

I would state that the apparent sympathy of the citizens is not attributable to their participation, even in thought, with the crimes committed by these men, but they are debarred from making known their whereabouts, fearing the consequences such action would entail upon them at the hands of the desperadoes in question. Frequent solicitations, with the injunction that their names may not be divulged, have been made by the citizens of Travis to this office for protection by the State Police. These applications have been made, in most instances, without distinction of party.

I am, General,

Very respectfully,

JAMES DAVIDSON,
 Adjutant General and Chief of Police of Texas.

House bill No. 37 passed by the following vote:

Yeas—Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Pickett, Pyle, Shannon—10.

The following House bills were taken from file, read first time, and referred as follows:

To the Committee on State Affairs:

House bill No. 415, to be entitled "An act to incorporate the city of Marshall, and to grant a new charter to said city."

House bill No. 426, to be entitled "An act to incorporate the Seago Mills Manufacturing Company of Upshur County."

House bill No. 439, to be entitled "An act to incorporate the Jefferson Manufacturing Company;" and

House bill No. 443, to be entitled "An act to incorporate the Northern Bank of Texas."

To the Committee on Internal Improvements: House bill No. 424, to be entitled "An act to incorporate the Quintana, Brenham and Waco Air Line Railroad Company."

To the Committee on Judiciary: House bill No. 393, "An act to amend section two of an act entitled 'an act defining lawful enclosures, and for other purposes,' approved March 16, 1840."

To the Committee on Counties and County Boundaries: House bill No. 438, "An act to repeal a portion of 'an act to change the names of the counties of Cass and Buchanan,' approved December 17, 1861, and to designate the name of the so-called county of Davis."

To the Committee on Public Lands: House bill No. 186, to be entitled "An act amendatory and explanatory of 'an act to regulate the disposal of public lands of the State of Texas,' approved August 12, 1870."

To the Committee on Roads, Bridges and Ferries: House bill No. 340, to be entitled "An act to incorporate the Bosque Bridge and Manufacturing Company of McLennan county."

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 231, "An act to incorporate the Washington county Fair Association." Read second time.

Senator Gaines offered the following amendment which was adopted: Amend by inserting after the words "John Sayles" the names of "S. A. Hackworth" and "Edward T. Randal."

On motion of Senator Gaines, the rules were further suspended and House bill No. 231 read third time and passed.

On motion of Senator Gaines, the Senate adjourned to 10 o'clock A. M., to-morrow.